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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,892	11/28/2000	Kenneth H. Abbott	294438004US1	7813

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EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,892

Applicant(s)

ABBOTT ET AL.

Examiner

Viet Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-67 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 9-67 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/14/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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1. The current title is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Non-Art Rejections:

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 52 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 52 that recites a data signal for carrying the program instructions is non-statutory for at least the reason that the claimed program is not tangibly embodied in a manner to be executable. It is noted that signals and carrier waves generally are intangible media.

It is suggested that claim 52 to be amended to include tangible media such as computer-readable memory for storing the program instructions.

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Art Rejections:

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 9-10, 13-17, 20-22 and 24-67 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Johnson et al, U.S. pat. No. 6,553,336.

Per claims 9-10 and 13-15, Johnson discloses an event-based notification system comprising:

a) a registration module for receiving and storing first and second user's registrations indicating interests in receiving values of the state attributes from one or more sources (see col 19, lines 20-50),

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b) a monitoring module, in response to receiving a value for the indicated attribute from the sources, for determining that the first and/or second clients have interests in receiving the value and supplying the received value to the clients (see col 23, lines 39-62).

Per claims 16 and 35, Johnson teaches enabling client to set criteria and status query for receiving the message (see col 19, lines 20-31).

Per claim 17, Johnson teaches logging all values received from the sources (see col 16, lines 62-67).

Per claims 20-22, Johnson's teaching is used to delivery alerts and messages from various sources including computer and the environment where the sources contain one or more sensors (see col 25-27).

Per claims 24 and 38, Johnson teaches registering the source before receiving value from the source (see col 12, lines 8-51).

Per claims 36-37, Johnson teaches providing software instructions to control operations at the sources, the clients and the monitoring module (see col 24, lines 21-51).

Per claim 39, Johnson further teaches authenticating clients (see col 17, lines 49-64).

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Per claims 25-34 and 40-49, it is noted that Johnson's teachings encompass all claim limitations.

Claims 50-67 are similar in scope as that of claims 9-10, 13-17, 20-22 and 24-49.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 11-12, 18-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trusheim et al, U.S. pat. No. 6,385,589.

Trusheim discloses a system for monitoring and delivering notification regarding health condition of a patient.

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Particularly, Trusheim teaches monitoring events related to client's mental states, determining (predicting) the likelihood of a medical risk at the time, and generating a notification for delivery to an authorized user (see Trusheim in col 4, lines 1-34).

Trusheim does not explicitly teach registering authorized users for receiving the notification.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize such registration step in Trusheim because it would have enabled delivering a notification message to the corresponding users, i.e., specialist, manager assigned to patient, (see Trusheim in col 18, lines 10-15 and 41-58).

Conclusion:

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU
PRIMARY EXAMINER

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6/9/05